Minutes of Meeting

Customer Forum Meeting 15th December 2016

Taransay Meeting Room, Doubletree by Hilton Hotel, Leeds

Attendees:

Andrea Cook
Alistair Maltby
Melissa Lockwood
Dave Merrett
Joanne Volpe
Wendy Kimpton

Wendy Kimpton Nicole Buckingham Gill Gibbons

Apologies:

Adrian McDonald
Janine Shackleton
Pam Warhurst
Tom Keatley
Becki Hart
Nick Bussey / Nici Pickering
Adrian Kennedy

Chair

The Rivers Trust Environment Agency (EA) Independent Member Alzheimer's Society

Yorkshire Water (Head of Regulation)
Yorkshire Water (Regulatory Project Manager)

Secretary

Independent Member
Consumer Council for Water
Pennine Prospects
Natural England
CBI
Citizens Advice Bureau (CAB)

Yorkshire Water (Director of Regulation)

Para No

1) Welcome

- a) The Chair welcomed Forum members to the meeting.
- b) Apologies were received, as noted above.

2) Review and Agree Minutes/Actions of the Last Meeting

- a) The minutes/actions from the meeting held on 16th September 2016 were reviewed.
- b) Updates:
 - **15/09/16 Action 17**: Chair and Company to discuss offline the PR19 Timetable in relation to the Ofwat document and submission date.
- c) The company was requested to amend its PR19 Customer Forum Agenda Plan to include the Water Industry National Environmental Programme (WINEP).

ACTION 1: Company to amend the PR19 Customer Forum Agenda Plan to incorporate WINEP

d) **13/10/16 – Action 6**: Company to provide photographer to attend January meeting to ensure photographs are consistent for the YW website

ACTION 2: Company to source photographer for YW website photographs

e) There were no further amendments requested to the minutes from 26th May.

Customer Forum Mtg: 15/12/16 Page 1 of 12 FINAL (rvsd): 12/06/17

Para No

Actions Review List

- a) **12/02/2015 Actions 4 & 7:** COMPLETE
- b) **11/06/2015 Action 7:** COMPLETE
- c) 17/09/2015 Action 23: ONGOING
- d) 17/03/2016 Actions 2, 6, 8 & 9: COMPLETE
- e) **07/04/2016 Actions 3 & 6**: COMPLETE
- f) **26/05/2016 Actions 1-5, 8-15 & 17**: COMPLETE
- g) 15/09/2016 Actions 3-7, 9-10, 12, 16, 18, 19 & 21-23: COMPLETE
- h) 13/10/2016 Actions 1-5 & 9: COMPLETE/NOTED

3) Forum Membership / Chair Updates

- a) The Chair confirmed that Pennine Prospects had now accepted the position on the Forum and apologised for confusion regarding the cancellation of a previous meeting.
- b) The Chair confirmed that she had spoken to members of the Citizen's Advice Bureau, who had requested joint representation at future meetings, due to part-time working issues.
- c) The Chair and Secretary confirmed that neither had received any communication from the Councillor for Bridlington North regarding joining the Forum. Forum Secretary to obtain telephone contact details and forward to Chair in an attempt to make contact.

ACTION 3: Forum Secretary to obtain telephone number for the Councillor for Bridlington North and forward to Chair to attempt to make contact

d) The National Farmer's Union (NFU) has made contact with the Forum Secretary in regards to attending future meetings, to which the Forum agreed.

ACTION 4: Forum Secretary to forward future meeting dates to NFU Representative

4) Company Monitoring Framework (CMF) Outcomes / Key Messages

- a) The company provided an overview of the CMF and explained the three categories of assurance that now applied for companies following PR14, based on transparency, accuracy and access of information, as well as a general view of the company being open and trustworthy. These categories are 'Self Assured' (company is deemed as excellent/good and to be trusted); 'Targeted' (company meets expectations) and 'Prescribed' (the company is required to make improvements). The company was originally placed within the 'Targeted' category, however, following a review by Ofwat in November, the company has now been moved down to 'Prescribed'.
- b) The next steps from this are that the company needs to review and republish its Risks, Strengths & Weaknesses (RSW) statement and produce action plans for the information it will be publishing in 2016/17. The action plans will need to take into account discussions with the Forum and stakeholders. These will need to be externally audited and published by March 2017.
- c) The company confirmed that Ofwat had initially stated that if a company was downgraded to 'Prescribed', they would have to remain in that category for a minimum of 18 months. However, it had stated that it may relax this timeframe and the company is capable of moving up the categories sooner. The Forum asked how Ofwat carry out the review, the company said that Ofwat will decide what to review each year to make a decision on which category to place a company in.

Customer Forum Mtg: 15/12/16 Page 2 of 12 FINAL (rvsd): 12/06/17

- d) The company confirmed that three companies had been 'promoted to 'Self-Assured', ten companies had remained unchanged, four had moved down two to 'Targeted' and two to 'Prescribed'.
 - e) The company, whilst extremely disappointed about this outcome, was mindful that this had happened due to five minor concerns identified by Ofwat. (check spacing)
- f) The company confirmed that since receiving the news, it had completed a 'root and branch' review of the cause of the concerns (meeting held 7th December). This had highlighted various areas of concern, including small errors in reporting on APR and compliance with leadership governance and transparency, ie the level of independence between the parent company and the company in terms of strategy. It was noted that other companies had provided more detail on how their Board works and their governance procedures. The Forum commented that this resonated with Forum members, as discussed at previous meetings.
- g) The company thought one area of concern was due to the way the company had communicated with Ofwat over the previous reporting periods. Any issues that Ofwat had would either have been dealt with on a request basis or it was assumed Ofwat would know that information already. However, it would seem that this way of working has changed for this AMP period and if the relevant information is not provided at the outset then it is deemed as being insufficient. The company has learnt from this now and will endeavour to demonstrate how transparent it is.
- h) The company also believed that it had not fully interpreted Ofwat's expectations on risk & compliance. The company had submitted a Risk and Compliance Statement within the Audited Assurance Report (APR), which had only been authorised by the Chairman (via delegation from the Board) and did not specifically show Board signatures.
- i) With regard to the targeted review statement on tax, whilst correct, Ofwat did not feel it was clear enough for customers to understand. The company explained that it was currently going through a change in Board membership and that three new non-executive members were currently being accepted onto its Board. The Forum asked what support the company was getting to ensure good practice regarding corporate governance. The company confirmed it was receiving support for its auditors and company secretariat. The Forum requested the Company Secretary attend a future meeting to explain in more detail their view on how corporate governance works and how good practice is formulated, to focus on the customer perspective and the role of non-executives. The Forum said it agreed there was a lack of clarity about the parent company.

ACTION 5: Company Secretary to attend future meeting to explain corporate governance in more detail

j) The Forum asked if the company required input into the pre-publication panel and the company responded that it did but raised the question how that would be controlled. The Forum suggested the company needed to take help/support when offered and whilst this result had been a disappointment to the company, it could turn out to be a positive thing in that it now made the company take a harder/closer look at what it needs to do in PR19 and ensure it obtains 'buy-in' from other parts of the company, particularly more specialist teams.

- k) High level discussion between the company and Ofwat suggested these were no fundamental issues within the company and it was not challenging the work the company had done, it just needed to evidence the work being carried out and ensure transparency. The company needs to highlight and present its governance structure, Board assurance and its confidence around information on environmental matters. The small reporting errors were on the financial side of the business and not on performance.
- The Forum stated that whilst the outcome was disappointing, it welcomed examination of the key areas and would look to benchmarking where the company was in 12 months' time against this. The company reiterated that is was now fully sighted on how comprehensive the assurance plan should be and was looking to move forward.
- m) The company confirmed that one short-term action was to hold a meeting with the financial auditors to discuss their role and what was expected on assurance outputs to drive an improved programme. The company suggested more internal co-ordination and challenge of external bodies on the role they fulfil was required to remove any errors and to be clear about standards. The Forum requested feedback from this review meeting at a future meeting. Long-term, there will also be a full review of its entire approach on receiving quidance on assurance and corporate governance.

ACTION 6: Company to feedback at a future meeting on the overarching review of assurance and reporting and improvement plan that is being developed by the company

- n) The Forum asked if the company had heard from any of the other Partners. The company confirmed which partners had been in contact regarding the CMF outcome.
- o) The Forum confirmed concerns regarding the issues of corporate governance with partners and requested the Forum was approached for input to any documentation of a customer facing nature.
- p) The Chair thanked the company for contacting her immediately these issues were known and to discuss raising this as an agenda item for this meeting. She confirmed her view that it was clear that it had been taken very seriously.

5) Performance Commitment Update (Confidential)

- a) The company gave an overview of the current position of its performance commitments dashboard. It confirmed that it was only reporting on commitments by exception.
- b) Two commitments are now completed: Visitor Satisfaction and Bathing Waters.
- c) There are currently three commitments that are at risk of not meeting their end of year targets: drinking water customer contacts, pollution incidents (category 3) and energy generation.

- d) **Drinking Water Customer Contacts**: This measure is forecast to outturn above the target of 8,120, however, it will still be below the penalty dead band (no penalty) of 12,143. This dead band will disappear after this year, so the impact is there would be a penalty in future years. The number of overall complaints to date are below the number received in 2015-16 and will potentially result in the year 2 outturn being the lowest ever number of water quality complaints the company has ever received. Distribution Management Areas (DMAs) have been flushed this year (462 No) and initial analysis on this shows this programme of work is having a beneficial effect on the reduction of contacts. There is currently a programme of 700 DMAs to be flushed each year. However, the challenging targets for the final three years of the AMP means the company has to think/invest differently and options are currently being explored in line with company investment decisions although there is a risk to meeting this commitment in future years.
- e) **Pollution Incidents (Category 3)**: This commitment is measured in a calendar year. Whilst, there has been an improvement in the year to date, particularly in the last month, it is behind forecast. Based on current performance, it is anticipated it will end within the dead band, however, if current performance is maintained, then the performance level could be achieved. There have been challenges on the wastewater network this year, however, plans to drive serious pollution incidents to zero and improve performance are in place and more detail around this would be circulated in the slide pack following the meeting.
- f) The Rivers Trust asked whether category 3 pollution is relevant to self-reporting and how does the company propose enforcement undertakings. The company confirmed it did not look at it from a category 3 perspective specifically, it concentrated on categories 1 & 2. The company felt that enforcements may benefit customers, as fines go to the Treasury. The company will put the Forum in direct contact with the relevant company expert in this field. The EA suggested that the company would come in on target regarding Category 1 & 2 at the end of November 2016, although there could be a couple of third party impacts. The EA confirmed it would like to see more self-reporting across all companies.

ACTION 7: Company to forward contact details to <u>all</u> Forum members of the relevant company expert with regard to enforcement undertakings

- g) The company confirmed that drinking water contacts and pollution are performance risks for the company over the next three years.
- h) **Energy Generation**: This is a reputational risk only, so no penalties are attached to this. The Performance commitment to date is 9.7% against a target of 12.0%, with the annual outturn forecast being 11.0%. This is due to the extended period of downtime this year at the company's Esholt plant, following the New Year (2016) flooding damage and a delay in re-commissioning of the Esholt Thermal Hydrolysis Plant (THP). The Forum asked about the cost of remediation works and the company explained it thought this would be covered by the insurance claim (to be confirmed), but there is definitely no ability to pass the costs on to customers. The THP has now begun re-commissioning, and generation has started. The company's Knostrop site has commenced a new scheme which will increase capacity to 18% when completed at the end of the AMP. Overall carbon emissions continue to fall and the company has recently successfully retained its Carbon Trust Standard. The over-arching picture is a positive one.
- i) The Forum referred to Ofwat's resilience documentation and asked for this is be part of the PR19 discussion at a future meeting.

ACTION 8: Forum Secretary to add Resilience as a future meeting agenda item

j) The Rivers Trust asked what the percentages regarding generation related to in megawatts, to understand the balance of what the company is using. Company confirmed most of its energy generation was supplied by CHP and THP. Company to provide detailed information.

ACTION 9: Company provide information on energy generation in megawatts

k) The Forum questioned whether solar power generation was being tested on the market with planning applications being submitted. The company to investigate this further.

ACTION 10: Company to investigate solar power planning applications

- I) **Financial Incentives Reward/Penalties Overview**: The company reminded the Forum on how rewards and penalties are calculated.
- m) The current picture for the three commitments as previously mentioned is that for drinking water contacts and pollution would outturn within the dead band but with no penalty; with water supply interruptions there is currently a potential reward forecast of £4,381,000, however, this area is subject to weather impacts so will not be confirmed until after the financial year end.
- n) If the current performance moved forward to the following year, the company would be in penalty overall. However, the company is doing a lot of work over the next three years and is focussed on where it needs to drive performance improvements.
- o) **Completed Commitments**: There are two completed commitments; Recreational Visitor Satisfaction and Bathing Waters.
- p) Recreation (Site Visitor Satisfaction): This commitment is based on completing and publishing results annually. In 2016, surveys were carried out at four sites, each with different levels of footfall, between May and June 2016. 459 face to face interviews took place, with the overall aim being 100 per site. There was an overall satisfaction rate of 97% for all four sites and customers appear to appreciate the maintenance work carried out and facilities offered.
- q) **Bathing Waters**: Defra published its Bathing Water Results for England and Wales in November 2016. From this, the company attained its Performance Commitment of 15 or more beaches that exceed the EU Bathing Water Directive Standard by being rated as Good or Excellent. The company had 17 beaches which met or exceeded the standard.
- r) The company expects 'Keep Britain Tidy' to award four out of eight Blue Flags in May 2017; these are 'resort' beaches with 'Excellent' status. This is the same position as last year.
- s) Overall, eleven beaches are marked as 'excellent'. Sandsend has moved from 'Good' to 'Excellent'. Six beaches have been marked as 'good' and one beach marked as 'sufficient'.
- t) Scarborough South Bay was marked as 'poor'. The company continues to work closely with key stakeholders in the Yorkshire Bathing Water Partnership to help identify, understand and remove pollution sources, whilst advising on best practice for local communities, ie harbour practices. Alongside this, the company is continuing to play its part through monitoring and operating its £50m Bathing Water asset base.
- u) The Forum confirmed it was satisfied with the way this information is reported back to the group.

Customer Forum Mtg: 15/12/16 Page 6 of 12 FINAL (rvsd): 12/06/17

6) PR19 Outcomes Consultation

- a) The company is still reviewing the recent PR19 Outcomes Consultation published by Ofwat, however, it provided a high-level summary and confirmed that at the January meeting it would discuss further the response to the consultation.
- b) The consultation is an explanation of how the outcomes are to be approached in PR19, with importance being given to trust, legitimacy and transparency. The focus will be on how CCGs and customers access, understand, compare and challenge data provided by companies.
- c) The consultation concentrates on four main areas:
 - 1. More stretching and powerful performance commitments;
 - 2. Supporting customers and CCGs in more depth;
 - 3. Reflecting resilience in outcomes; and
 - 4. Making performance commitments more transparent to customers.
- d) Ofwat is also looking at availability of comparative information and how the company articulates this information to the CCGs and its customers. This reflects in the new Discover Water website (Water UK).
- e) The Forum questioned why Ofwat would want to do a comparative study due to the majority of water companies having different demographic information and the sector not being competitive; customers only have one option at the moment.
- f) Ofwat is considering extending the performance commitments to look at ten common commitments, to include:
 - 1. Customer experience measure (SIM)
 - 2. Water quality (not as current)
 - 3. Customer water supply interruptions
 - 4. Water distribution input/leakage measure
 - 5. Abstraction incentive measure
 - 6. Internal sewer flooding
 - 7. Pollution
 - 8. Water asset health
 - 9. Wastewater asset health
 - 10. Resilience.
- g) In addition to the above, companies would still have their own bespoke commitments, with the potential for particular focus on such areas as Vulnerability.
- h) Ofwat is looking at the key role the Forum plays and to ensure it has the right information to challenge companies accordingly. It also believes that comparable information linking into the performance commitments would become industry standard ODIs.
- i) Ofwat is also considering principles relating to resilience planning. The Chair commented that this could be following feedback from the last CCG Chairs meeting, as it was thought by some representatives that Ofwat was not doing enough in this area. Customer Engagement is thought to be key to discussion on any long-term resilience issues and the company would be looking to invite views on metrics and asset health expectations.

Para No

- j) It was hoped that the performance commitments would be more transparent and easier to understand (in terms of language and through infographics) for customers and be more focussed on customer preferred outcomes. In addition, it was suggested they may be more stretching and the impact of the ODIs would be felt immediately.
- k) The Forum asked what ODIs would be required and it was agreed that this would be discussed at meetings going forward, covered by gap analysis, 'deep dives' on methodology etc.

7) Any Other Business

- a) <u>Forward Agenda: 19th January 2017</u> A draft agenda was presented for discussion. Some minor adjustments to timings were suggested. The strategic approach to resilience was also suggested as an additional item.
- b) <u>Forward Agenda: 16th February 2017</u> Resilience; wider development of PR19 and Corporate Governance (due to the shift in how the Forum see this) to be included.

ACTION 11: Forum Secretary to amend both January & February 2017 agendas with suggested changes

ACTION 12: Forum Secretary to distribute interim list of actions prior to the detailed minutes being circulated

ACTION 13: Forum Secretary to draft and circulate minutes to members

7) Date of Next Meetings

Thursday, 19th January 2017

Venue: Room G1, Livingstone House, Chadwick Street, Leeds, LS10 1LJ

Thursday, 16th February 2017

Venue: Room G1, Livingstone House, Chadwick Street, Leeds, LS10 1LJ

The meeting closed at 12:15

Summary of Actions: 17th September 2015

Summary of Actions: 17th March 2016

No	<u>Action</u>	Comment
12	Vulnerability : Chair to forward copies of Wessex Water	
	literature on Vulnerability to Forum members and the company	

Summary of Actions : 7th April 2016

No	<u>Action</u>	Comment
1	Welcome : Chair and company to arrange a formal induction for new Forum members	To be arranged once new members convened
7	Look Forward: Chair and Director of Regulation to liaise with regard to membership from the Small Business Federation and others to fill current vacancies	Ongoing

Summary of Actions: 26th May 2016

No	<u>Action</u>	Comment
6	Regulatory Performance Review (Pollution): Company to present project zero plan for pollution to the Forum as a future agenda item. Company to provide Forum with more information regarding their position relation to Fracking	To be reviewed
7	Regulatory Performance Review (Pollution): Chair to discuss at future Forum/CCG Chairs meeting the conflicting messages caused by some performance commitments/ definitions and the expectations of Regulators Post Meeting Update: Chair to update following October's CCG Chairs' meeting	
16	AOB: Chair to discuss the publication of Customer Forum minutes and papers on the company website with the secretary Post Meeting Review: Company currently reviewing a suitable area within the company website	

Summary of Actions: 15th September 2016

No	Action	Comment
1	Minutes/Actions Review: Company to liaise with DEFRA on receipt of a copy of the Metaldehyde consultation paper	
	Post Meeting Update: No paper has been produced as yet, although the attached is a recent press release from the EA www.gov.uk/government/news/metaldehyde-advice-for-autumn-crops	NOTED: Company will update the Forum once the paper is published
2	Minutes/Actions Review: Company to circulate the DEFRA Metaldehyde consultation paper to Forum members when received (post meeting update as above)	pasiisiica
8	Forum Membership: Forum Secretary to issue a formal invitation to join the Forum to the councillor of Bridlington North	
	Post Meeting Update: A letter was sent on 20 th September, with a follow-up letter also posted on 3 rd November. To date, no response has been received. Chair has confirmed she will issue an email direct (as at 30/11/16)	
11	High Level Strategy/Strategic Direction: Company to update the Forum at a future meeting	Future Agenda Item
13	PR19 Timetable: Chair/Forum Secretary to review meeting dates to ensure they are held bi-monthly, as from 2017	COMPLETE: Invites issued 06/01/17
15	PR19 Timetable: Company to outline the Decision Making Framework at a future meeting	
	<u>Post Meeting Update</u> : This will be presented aligned to the Willingness to Pay work and it will be updated into the Forward Look Timeline accordingly	Ongoing
17	PR19 Timetable: Chair to review the Ofwat document to establish the submission date before the next meeting	Off-line discussion AC/WK
20	AOB – Terms of Reference: Chair to draft an updated Customer Forum terms of reference for sign-off at the January 2017 meeting	

Summary of Actions: 13th October 2016 (Customer Engagement Workshop)

No	<u>Action</u>	Comment
6	Forum Members to provide biogs and photos to Company for development of Customer Forum section on company website by the end of January 2017	
7	Forum Members to discuss sub-groups and representation at the Forum meeting in December 2016	January 2017 agenda item
8	Chair to speak to the Company to confirm report writer for the CF report	

continued / ...

Summary of Actions: 13th October 2016 (Customer Engagement Workshop) / ... contd

10	Halcrow to attend a future Customer Forum meeting to discuss PR19 assurance process	
11	Company to confirm if budget is available for the Forum to commission its own engagement activity	
12	Forum Members to provide Company with questions or discussion areas it may want to ask customers, via the company's online community panel, throughout the price review process	
13	Company to share its recreation strategy with CF when available	COMPLETE Email circulated 17/01/17

Summary of Actions: 15th December 2016

No	Action	Comment
1	Minutes/Actions Review: Company to amend the PR19 Customer Forum Agenda Plan to incorporate Water Industry National Environmental Programme (WINEP)	
2	Minutes/Actions Review: Company to source photographer for company website photographs	COMPLETE Attending Mtg 19/01/17
3	Forum Membership: Forum Secretary to obtain telephone number for councillor of Bridlington North and forward to Chair to attempt to make contact	
	Post Meeting Update : Contact numbers forwarded to Chair on 06/01/17	
4	Forum Membership: Forum Secretary to forward future meeting dates to NFU Representative	
	Post Meeting Update : Diary invites for all future meetings now issued to all Forum members on 06/01/17	COMPLETE
5	Company Monitoring Framework (CMF) Outcomes / Key Messages: Company Secretary to attend future meeting to explain corporate governance in more detail	
6	Company Monitoring Framework (CMF) Outcomes / Key Messages: Company to feedback at a future meeting on the overarching review of assurance and reporting and improvement plan that is being developed by the company	
7	<u>Performance Commitments Update</u> : Company to forward contact details to <u>all</u> forum members of the relevant company expert with regard to enforcement undertakings	
8	Performance Commitments Update: Forum Secretary to add Resilience as a future meeting agenda item	COMPLETE
9	Performance Commitments Update: Company to provide information on energy generation in megawatts	
		continued /

continued / ...

Summary of Actions: 15th December 2016 / ... contd

No	Action	Comment
10	Performance Commitments Update: Company to investigate solar power planning applications Post Meeting Update: Company confirmed that it went to market in December for a PV development partner (PhotoVoltaic cells using solar power to generate electricity; they are a type of solar panel), to investigate, design and install new PV on or near company land. This contract should be awarded in Q4 with delivery of new projects in 2017/18. Previous planning applications have been made by Kelda Water Services and this partnership will build on the experience of that project.	COMPLETE
11	Any Other Business: Forum Secretary to amend both January & February 2017 agendas with suggested changes	COMPLETE
12	Any Other Business: Forum Secretary to distribute interim list of actions prior to the detailed minutes being circulated	COMPLETE
13	Any Other Business: Forum Secretary to draft and circulate minutes to members	COMPLETE